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RUEHBY/AMEMBASSY CANBERRA PRIORITY 1756  
RUEHPB/AMEMBASSY PORT MORESBY PRIORITY 3589  
RUEHKO/AMEMBASSY TOKYO 1308  
RUEHWL/AMEMBASSY WELLINGTON 2152  
RUEAIIA/CIA WASHDC  
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 003389

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NSC FOR EPHU

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SUBJECT: PAPUA -- MORE ON DETAINED ACTIVIST

REF: JAKARTA 3309 AND PREVIOUS

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Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (b+d).

11. (C) SUMMARY: The case of a detained Papuan human rights activist may be headed towards a resolution. December 18 will mark 60 days in custody for the activist--and the date by which authorities are legally expected to decide his fate. Police and prosecutors are reportedly divided, with some pushing to bring politically-related charges, but others inclined to release him. Pol/C has reiterated USG concerns. END SUMMARY.

GOI REVIEWS CASE

12. (C) Papuan human rights lawyer Sabar Iwanggin remains in custody at police headquarters in Jayapura, Papua. His lawyer, Aloysius Renwarin, told poloff on December 12 that police and prosecutors were preparing a case under Chapter 160 of the Penal Code regarding "Inciting Public Hatred." (Note: Per reftels, Iwanggin allegedly forwarded SMS text messages that insulted the Indonesian government and President Yudhoyono.) The maximum sentence under this charge is six years in prison. Authorities, however, have not yet decided whether to bring the case to court. Iwanggin's lawyers are preparing a defense should the case come to trial. According to Renwarin, the defense will hinge on arguing that Iwanggin was not the original source of the inflammatory message. He admitted to poloff, however, that Iwanggin did forward the messages in question.

13. (C) Budi Hernawan of the Catholic Peace and Justice Secretariat (SKP) in Jayapura--who has been assisting

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Iwanggin's lawyers with his defense--told poloff that the police do not agree about what to do with Iwanggin. According to Hernawan, some police officials concluded that they did not have sufficient evidence to bring charges against Iwanggin. They have continued the pretense of investigating the matter so as not to admit that they had no case. Hernawan also said these officials want to wait until interest in Iwanggin's case had waned so that they could release him quietly and not lose face. Other police officials, however, have pushed for bringing the case to trial.

#### D-DAY COMING

¶4. (C) December 18 will mark 60 days in custody for Iwanggin. At that point, the authorities must charge him, release him or petition a judge for permission to hold him another 30 days. Renwarin and Hernawan both expect the authorities to make a substantive decision on whether to move forward with the case rather than seek continued detention.

#### POLICE MOTIVES

¶5. (C) Hernawan speculated that some police were genuinely concerned that the SMS messages would lead to heightened tensions, and possibly violence, between Papuans and non-Papuans. (Note: The messages apparently accused the Indonesian government of selling poisoned food in the province, inter alia.)

¶6. (C) Said Fazili from the Dutch Embassy, who has followed the case, agreed with Hernawan's assessment of the police motives. (Note: Iwanggin has family in Holland who have lobbied the Dutch government on his behalf.) Fazili told poloff that he thought police detained Iwanggin because they were already monitoring his phone and thus he came to their attention first in connection with the messages. Both Hernawan and Fazili said there was no evidence that police singled out Iwanggin for arrest because of his human rights activities although that remains a possibility.

#### REITERATING CONCERN

¶7. (C) Pol/C has reiterated USG concern about the case. On December 13, Pol/C discussed the case with Albert Matondang of the Coordinating Ministry for Foreign, Security and Legal Affairs, and with Wiwiek Setyawati of the Human Rights Office of the Department of Foreign Affairs. Pol/C noted that Iwanggin has been held for weeks without charges, and that

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the assertions about his actions seem politically linked and not serious given that he was only allegedly forwarding SMS texts. Pol/C urged that the government very carefully review the matter and decide whether it was appropriate to proceed with such a controversial case.

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